

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

ANNETTE STOCKWELL and LAWRENCE
STOCKWELL, husband and wife and the
marital community comprised thereof,

Plaintiffs,

vs.

SAFEWAY, INC., a non-governmental
corporation d/b/a SAFEWAY STORE #792,
ALBERTSONS COMPANIES, LLC, a foreign
limited liability company, ALBERTSONS
COMPANIES, INC., a non-governmental
corporation, CERBERUS CAPITAL
MANAGEMENT, LP, a non-governmental
limited partnership, and DOES 1-5,

Defendants.

No. 20-2-09638-5

COMPLAINT

I. PARTIES

1. Plaintiffs Annette Stockwell and Lawrence Stockwell are husband and wife and currently reside in Ocean Shores, Grays Harbor County, Washington.

2. At all material times herein Defendant Safeway, Inc. owned and operated Safeway Store #792 located at 17023 SE 272nd, Covington, King County, Washington. Said

COMPLAINT -- 1

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1 defendant is believed to have paid all licenses and fees to date and continues to do business in
2 King County, Washington.

3 3. At all material times herein Defendant Albertsons Companies, Inc. owned and
4 operated Safeway Store #792 located at 17023 SE 272nd, Covington, King County, Washington.
5 Said defendant is believed to have paid all licenses and fees to date and continues to do business
6 in King County, Washington.

8 4. At all material times herein Defendant Albertsons Companies, LLC owned and
9 operated Safeway Store #792 located at 17023 SE 272nd, Covington, King County, Washington.
10 Said defendant is believed to have paid all licenses and fees to date and continues to do business
11 in King County, Washington.

13 5. At all material times herein Defendant Cerberus Capital Management, LP owned
14 and operated Safeway Store #792 located at 17023 SE 272nd, Covington, King County,
15 Washington. Said defendant is believed to have paid all licenses and fees to date and continues
16 to do business in King County, Washington.

18 6. Parties Does 1 - 5 are unknown to Plaintiffs at this time and they are therefore
19 sued under fictitious names. These Defendants may have caused the damages to Plaintiffs by
20 their own tortious conduct, including acts or failures to act in, whether individually, in concert
21 with other defendants or vicariously.

22 II. JURISDICTION AND VENUE

24 7. The acts and omissions giving rise to this cause of action occurred on the subject
25 premises, Safeway Store #792, located in Covington, King County, Washington where
26 Defendants conduct business.

27 COMPLAINT -- 2

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1 8. Jurisdiction and venue are proper in King County Superior Court.

2 **III. FACTS**

3 9. On June 21, 2017, Plaintiff Annette Stockwell was shopping at the Safeway
4 Store #792 in Covington, King County, Washington.

5
6 10. While at the subject Safeway store, Plaintiff Annette Stockwell went into the
7 cheese and dairy aisle and slipped and fell on yogurt that had spilled onto the floor.

8 11. At the time of the fall, defendants had prior actual and/or constructive notice of
9 the yogurt spill on the floor.

10 12. Plaintiff Annette Stockwell suffered significant injuries as a result of the fall.

11 **IV. CLAIMS AND CAUSES OF ACTION**

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13 13. As an owner and occupier of the premises, Defendants owed to business invitees
14 such as Plaintiff Annette Stockwell a non-delegable duty to exercise ordinary care for their
15 safety. This includes the exercise of ordinary care to maintain in a reasonably safe condition
16 those portions of the premises that the invitee is expressly or impliedly invited to use or might
17 reasonably be expected to use.

18
19 14. Defendants were negligent and failed to exercise ordinary care in the creation,
20 operation and maintenance of its self-service store. The Defendants through its agents,
21 employees or other persons had actual and/or constructive notice of the hazardous and unsafe
22 conditions common in the cheese and dairy section of the store.

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24 15. Due to the self-service mode of operation at its grocery store, it was foreseeable
25 to defendants that the cheese and dairy section of the store where this incident occurred would
26 have hazardous items on its floor.

27
28 COMPLAINT -- 3

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1 16. Defendants failed to have adequate procedures in place to keep their premises
2 free from foreseeable hazardous conditions and failed to properly maintain a safe premises.

3 17. As a direct and proximate result of the negligence as described above, Plaintiff
4 Annette Stockwell suffered personal injuries and special and general damages in an amount to
5 be proven at trial.

6 18. At the time of the incident complained of in the plaintiffs' complaint, the
7 Plaintiffs were married and that the Plaintiffs continue to be married.

8 19. That as a result of the wrongful and negligent acts of the Defendants, and each of
9 them, the Plaintiffs were caused to suffer, and will continue to suffer in the future, loss of
10 consortium, loss of society, affection, assistance, and conjugal fellowship, all to the detriment of
11 their marital relationship.

12 20. All of the foregoing allegations of fact and law are hereby alleged and asserted
13 against any unknown entity, hereby referred to as Defendants Does 1 - 5.

14 **V. REQUEST FOR RELIEF**

15 WHEREFORE, Plaintiffs pray, jointly and severally, for the following relief against
16 Defendants as follows:

17 1. For all reasonable and necessary past and future medical expenses, pain and
18 suffering, disfigurement, emotional distress, wage loss, loss of earning capacity, loss of
19 enjoyment of life, loss of consortium, and other special and general damages in an amount to be
20 proven at trial;

21 2. For all costs and disbursements;

22 3. For reasonable and actual attorney's fees;

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28 COMPLAINT -- 4

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DATED this 3rd day of June, 2020.

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